



From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

KAWAMIYA, Osamu
Aoyama & Partners, IMP Building
3-7, Shiromi 1-chome
Chuo-ku, Osaka-shi
Osaka 540-0001
JAPON

Date of mailing (day/month/year)

03 August 2006 (03.08.2006)

Applicant's or agent's file reference

664788

IMPORTANT NOTIFICATION

International application No.

PCT/JP2004/016674

International filing date (day/month/year)

10 November 2004 (10.11.2004)

Applicant

HITACHI MAXELL, LTD. et al

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 664798	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2004/016674	International filing date (day/month/year) 10 November 2004 (10.11.2004)	Priority date (day/month/year) 11 November 2003 (11.11.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant HITACHI MAXELL, LTD.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .3).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 27 July 2006 (27.07.2006)
Facsimile No. +41 22 338 82 70	Authorized officer <div style="text-align: center; font-weight: bold; margin-top: 10px;">Masashi Honda</div> e-mail: p08@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

664788

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2004/016674

International filing date (day/month/year)

10.11.2004

Priority date (day/month/year)

11.11.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

HITACHI MAXELL, LTD.

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit in the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/IP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JF2004/016674

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/016674

Box No. IV

Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☒ paid additional fees
- ☐ paid additional fees under protest
- ☐ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with
- ☒ not complied with for the following reasons:

Considering the fact that a tape drive which can be applied to both thin-type and thick-type tape cartridges differing in the degree of thickness of the case is publicly known as disclosed in patent document 2 provided by the applicant, and the fact that some kind of means is naturally needed in such an apparatus for determining which tape cartridge is being used,

the "special technical feature" of claims 1-3 and 4-6 is found to be controlling the tape drive such that the state of the tape drive, in particular the vertical movement of the holder for pressing down and holding the tape cartridge, matches the case thickness of the loaded tape cartridge in accordance to a pair of top and bottom sensors provided to the side walls of the loading frame or the output signal of the selector switch provided to the operating panel,

the "special technical feature" of claims 7-10 is found to be automatically judging the size (case thickness) of the tape cartridge loaded in the loading frame based on output signals from a first sensor and a second sensor for detecting oscillating escape operation of two doors, provided adjacent and oscillatingly displaceably to a first door and a second door having vertical dimensions in a prescribed relationship with the vertical thickness dimensions of thin-type and thick-type tape cartridges inside a loading hole in a tape drive,

and the "special technical feature" of claims 11, 12, 13-15, and 16 is found to be making the rotating protrusion width of the front lid of the thick-type tape cartridge approximately the same dimension as the thin-type tape cartridge by constituting the front plate of the front lid of the thick-type tape cartridge which is in the tape cartridge itself, and not in the tape drive, from a main surface wall and a sub surface wall pivotably linked relative with respect thereto, or adjusting the attachment position of the shaft of the front lid of the thick-type tape cartridge,

but these "special technical features" are not in an identical or corresponding technical relationship.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- ☒ all parts
- ☐ the parts relating to claims Nos. _____

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2004/016674

Box No. V	Reasoned statement under Rule 43bis.3(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	_____	YES
	Claims	_____	NO
Inventive step (IS)	Claims	_____	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	_____	YES
	Claims	_____	NO
2. Citations and explanations:			
<p><u>Claims 1-6</u></p> <p>Document 1: JP 7-130059 A (Canon Inc.), 19 May 1995, full text, all drawings</p> <p>Document 1 indicates the general state of the art in the relevant technical field, and describes a cassette loading device applied to both large cassettes and small cassettes, provided with pressing means (the cassette pressing spring 6 and the door member 7) which works with the cassette holder to press and hold both large cassettes and small cassettes from above. None of the documents cited in the ISR either describes or suggests in particular controlling such that the state of the tape drive, in other words the vertical movement of the holder for pressing down and holding the tape cartridge, matches the case thickness of the loaded tape cartridge in accordance to a pair of top and bottom sensors provided to the side walls of the loading frame or the output signal of the selector switch provided to the operating panel.</p> <p><u>Claims 7-10</u></p> <p>Document 1: JP 7-130059 A (Canon Inc.), 19 May 1995, page 2, left box, lines 35-46 (claim 5), Figs. 3-5</p> <p>Document 1 is a document which indicates the general state of the art in the relevant technical field, and describes a cassette loading device applied to both large cassettes and small cassettes, provided with a door member which only opens when inserting a large cassette into the cassette insertion opening, and judges the size of the cassette loaded in the cassette holder based on the output signal of a detecting means for detecting opening and closing of the door member; however, none of the documents cited in the ISR either describes or suggests providing a first door and a second door to the loading hole adjacently inside and outside, setting the vertical distance between the first door and the bottom edge of the opening of the loading hole larger than the vertical thickness dimensions of the thin-type tape cartridges and smaller than the vertical thickness dimensions of the thick-type tape cartridges, setting the vertical distance between the second door and the bottom edge of the opening of the loading hole smaller than the vertical thickness dimensions of the thin-type tape cartridges, and being able to judge the size of a tape cartridge loaded into the loading frame based on the output signals of a first sensor and a second sensor for detecting the oscillating escape operation of the doors.</p>			

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

Claims 11-16

Document 2: JP 5-217328 A (Matsushita Electric Industrial Co., Ltd.), 27 August 1993, full text, all drawings

Document 2 indicates the general state of the art in the relevant technical field, and describes two large and small tape cassettes with differing thicknesses which can be applied to the same cassette loading device, but none of the documents cited in the ISR either describes or suggests constituting a front panel of a front lid of the thick-type tape cartridge from a main surface wall and a sub surface wall pivotably linked relative with respect thereto, or adjusting an attachment position of a shaft of the front lid of the thick-type tape cartridge such that the rotating projection width of the front lid of the thick-type tape cartridge is approximately the same dimension as that of the thin-type tape cartridge.